

REMARKS

Applicants appreciate the continued thorough examination of the present application, the withdrawal of the earlier rejections and the new citation of U.S. Patent 5,563,448 to Lee et al. In response, Claim 1 has been amended by incorporating therein the recitations of Claims 8, 9 and 11 and these claims have been canceled. No new issues have been raised because this Amendment merely incorporates the recitations of Claims 8, 9 and 11 into Claim 1. Applicants respectfully submit that new Claim 1 is patentable because the rejection appears to be reconstructing the claimed invention by selectively incorporating various features of the prior art while disregarding other features of the prior art based on the hindsight that was gained through the knowledge of the present application.

In particular, Claim 1 recites "a first conductive contact that extends conformally on the sidewall and floor to define a groove in the first hole". Yet, only the Kim et al. reference describes the use of any kind of groove. Applicants' admitted prior art Figure 1 is devoid of any description or suggestion of a groove and, indeed, includes an interconnection line **32b** between the lower contact **30** and the upper contact **60**, which would preclude the formation of a groove therebetween. Yet, the Official Action selectively picks and chooses features of admitted prior art Figure 1 to selectively incorporate into Kim et al., to reconstruct the claimed application by hindsight.

Similarly, the newly cited Lee et al. patent describes only a first conductive contact, and there is no groove or second contact described at all. Yet, the Official Action selectively picks and chooses features from the contact of Lee et al. to combine with admitted prior art Figure 1 and Kim et al. to reconstruct the claimed invention. Also, in the only reference that describes the use of a groove (Kim et al.), the first conductive contact is confined to within the first contact hole. Yet, the Official Action cites Lee et al., which is devoid of any description or suggestion of a groove or of a second contact to illustrate a contact extending outside the contact hole.

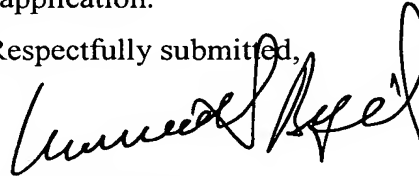
In yet another example, Kim et al., the only reference that describes or suggest the use of a groove, does not show the second contact extending onto the third insulating layer outside the sixth hole and, indeed, shows the second contact extending onto the second insulating layer. Lee et al. does not show a second or third

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insulating layer at all, yet the Official Action continues to reject Claim 11, now incorporated into Claim 1, based on the combination of admitted prior art Figure 1, Kim et al. and Lee et al.

In conclusion, taking the references as a whole, there is no motivation to combine the references absent the motivation provided by a hindsight reconstruction of Claim 1. For at least these reasons, Applicants respectfully submit that all of the pending claims are patentable, and respectfully request withdrawal of the outstanding rejection and allowance of the present application.

Respectfully submitted,

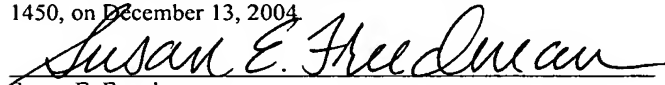


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Susan E. Freedman
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